

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 4/15/2015

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DIANA WILLIAMS, :
Plaintiff, :
 :
-against- : 12-CV-6805 (VEC)
 :
CITY OF NEW YORK, : ORDER
Defendant. :
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VALERIE CAPRONI, United States District Judge:


WHEREAS Defendant moved for summary judgment on Plaintiff's causes of action arising under 42 U.S.C. § 1983 (Count I), false arrest (Count III), and assault and battery (Count IV), and for partial summary judgment on Plaintiff's cause of action arising under Title II of the Americans with Disability Act, 42 U.S.C. § 12131 *et seq.* (the "ADA"), and Section 504 of the Rehabilitation Act, 29 U.S.C. § 701 *et seq.*, it is hereby ORDERED that the parties submit briefs not to exceed 15 pages no later than May 6, 2015, addressing the following:

1. Given *Fitzgerald v. Barnstable School Committee*, 555 U.S. 246 (2009), whether the remedial scheme of Title II of the ADA precludes an action under 42 U.S.C. § 1983 to vindicate a right secured by the ADA; and
2. Whether federal courts have subject matter jurisdiction over Counts III and IV pursuant to the New York Court of Claims Act § 8.

The United States, as interested party, is invited to submit a brief as to the first issue.

SO ORDERED.

**Date: April 15, 2015
New York, NY**


VALERIE CAPRONI
United States District Judge